

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

EDD TAWON PAYNE, United States Citizen;

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

**4:23CV3237**

**MEMORANDUM AND ORDER**

This matter is before the Court on what has been docketed as Petitioner's Notice of Change of Address and Motion to Compel. [Filing No. 13](#). Petitioner indicates he has been moved to the Federal Transfer Center in Oklahoma City, Oklahoma, and asks the Court

to compel the BOP to stop moving me from prison to prison to separate me from my legal papers long enough for the . . . statute of limitations to expire. The BOP is engaging in a strategically engineered distraction-retaliatory-intimidation campaign for the purpose of covering up a staff sexual misconduct complaint.

[Filing No. 13 at 1](#) (spelling and capitalization corrected).

Liberally construed, Petitioner appears to seek immediate injunctive relief against the BOP to prevent the BOP from moving Petitioner to a different facility and thereby interfering with Petitioner's access to the courts and ability to file an action relating to a staff sexual misconduct complaint. The Court finds such relief is not appropriate here as this is a habeas case in which Petitioner is challenging his continued confinement and any statute of limitations issues regarding Petitioner's anticipated complaint regarding unspecified staff sexual misconduct is not before this Court.

However, in light of Petitioner's move to a different facility<sup>1</sup> and indicated lack of his legal papers, the Court, on its own motion, will extend the deadline for Petitioner to submit the \$5.00 fee to the Clerk's office or submit a request to proceed in forma pauperis and to file an amended petition for writ of habeas corpus. The Court will also resend the forms previously sent to Petitioner.

IT IS THEREFORE ORDERED that:

1. Petitioner's Motion to Compel, [Filing No. 13](#), is denied.
2. On the Court's own motion, the deadline for Petitioner to (1) submit the \$5.00 fee to the Clerk's office or submit a request to proceed in forma pauperis and (2) file an amended habeas petition in accordance with the Court's December 11, 2023, Memorandum and Order is extended to **March 18, 2024**.
3. The Clerk of the Court is directed to send a copy of this Memorandum and Order, the Form AO 242 Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2241, a Form Pro Se 14 Complaint for Violation of Civil Rights (Prisoner), and two (2) Form AO 240 Applications to Proceed with Prepayment of Fees and Affidavit to Petitioner at the address currently on file with the Court and to the following address:

Edd Tawon Payne, 23195-009  
USP Coleman II  
U.S. Penitentiary  
P.O. Box 1034  
Coleman, FL 33521.

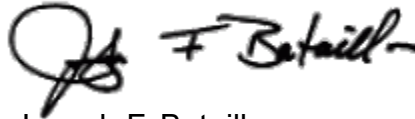
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<sup>1</sup> A check of the Bureau of Prison's online inmate records indicates that Petitioner has already been transferred to a different facility, USP Coleman II. See <https://www.bop.gov/inmateloc/>. The Court will send a copy of this Memorandum and Order to Petitioner's last known address and his apparent new facility.

4. The Clerk of Court is directed to set a pro se case management deadline using the following text: **March 18, 2024**: Check for MIFP or payment and amended petition.

Dated this 2nd day of February, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J F Bataillon". The signature is stylized with a large initial "J" and a long horizontal stroke at the end.

Joseph F. Bataillon  
Senior United States District Judge